

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

PATRICK MINEFEE,	)	
	)	CASE NO. 1:15CV01352
Petitioner,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
GRAFTON CORRECTIONAL	)	
INSTITUTION WARDEN,	)	
	)	<b><u>MEMORANDUM OF OPINION AND</u></b>
Respondent.	)	<b><u>ORDER</u></b>

*Pro se* Petitioner Patrick Minefee filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) (ECF No. [1](#)), alleging two grounds for relief which challenge the constitutional sufficiency of his conviction for: kidnapping, attempted murder, felonious assault, aggravated robbery, discharging a firearm on or near a prohibited premises, carrying a concealed weapon, improperly handling a firearm in a motor vehicle, and tampering with evidence. All charges carried weapon forfeiture specifications, and all but the final three charges carried one and three-year firearm specifications. Petitioner plead guilty to all charges and entered a negotiated plea deal. His attempt to later withdraw his plea was denied. The trial court imposed a jointly recommended sentence of 19.5 years incarceration.

On July 30, 2015, the case was referred to Magistrate Judge Greg White for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On

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December 7, 2015, the magistrate judge submitted a report and recommendation (ECF No. [16](#)) recommending that the petition be dismissed as time barred.

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service.<sup>1</sup> Petitioner filed a motion for extension of time until January 25, 2016 to file objections (ECF No. [17](#)). The Court granted the motion. Petitioner has not filed any objections to the magistrate judge's report and recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), [728 F.2d 813 \(6th Cir. 1984\)](#), *aff'd*, [474 U.S. 140 \(1985\)](#); [Howard v. Secretary of Health and Human Services](#), [932 F.2d 505 \(6th Cir. 1991\)](#); [United States v. Walters](#), [638 F.2d 947, 949-50 \(6th Cir. 1981\)](#). Accordingly, the Court hereby adopts the magistrate judge's Report and Recommendation. Petitioner Patrick Minefee's Petition for a Writ of Habeas Corpus is dismissed as time barred. Petitioner's motion for leave to amend the petition (ECF No. [12](#)) is granted. Petitioner's motion to compel production of the transcripts (ECF No. [13](#)) is denied as moot. Petitioner's motion for leave to file a reply *instanter* to Respondent's reply (ECF No. [15](#)) is granted.

The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of

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<sup>1</sup> Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Petitioner was served the Magistrate Judge's Report by mail. See [Thompson v. Chandler](#), [36 Fed. Appx. 783, 784 \(6th Cir. 2002\)](#).

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appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

February 29, 2016  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge